EXHIBIT A

```
 1         HIGHLY CONFIDENTIAL PURSUANT TO PO
 2            UNITED STATES DISTRICT COURT
            NORTHERN DISTRICT OF CALIFORNIA
 3              SAN FRANCISCO DIVISION
              CASE NO. 3:23-cv-03417-VC
 4

        RICHARD KADREY, et al.,              :
 5          Individual and Representative :
            Plaintiff,                       :
 6                                           :
                        v.                   :
 7                                           :
        META PLATFORMS, INC., a Delaware :
 8      Corporation,                         :
            Defendant.                       :
 9      ------------------------------- x
10
11            VIDEOTAPE DEPOSITION OF:
12                 TA-NESHI COATES
13              NEW YORK, NEW YORK
14           THURSDAY, NOVEMBER 21, 2024
15
16
17
18
19
20
21
22
23
24      REPORTED BY:
        SILVIA P. WAGE, CCR, CRR, RPR
25      JOB NO. 6985779
```

Page 1

1	HIGHLY CONFIDENTIAL PURSUANT TO PO	
2	Q. Have you ever asked somebody	10:16:15
3	else to use one of Meta's AI tools to,	10:16:17
4	you know, generate something about or	10:16:22
5	with your books?	10:16:25
6	A. I'm pretty sure I have not.	10:16:27
7	Q. You'd remember if you asked	10:16:31
8	someone else to do that?	10:16:32
9	A. I might. I mean, you know,	10:16:33
10	it's human memories, though. But I don't	10:16:35
11	think I did.	10:16:37
12	Q. Has anybody shown you -- do	10:16:38
13	you know what "output" is from AI, "AI	10:16:43
14	output"?	10:16:45
15	A. I assume you put the thing in	10:16:45
16	and whatever comes out, yes.	10:16:48
17	Q. Whatever comes out?	10:16:48
18	A. Yes.	10:16:49
19	Q. So, if I use "output," you'll	10:16:49
20	understand that's what I mean?	10:16:52
21	A. Yes.	10:16:52
22	Q. Have you personally created	10:16:53
23	or witnessed someone create output from	10:16:57
24	Meta's AI model that that replicates your	10:17:00
25	books?	10:17:07

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HIGHLY CONFIDENTIAL

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1          HIGHLY CONFIDENTIAL PURSUANT TO PO
2          A.    Not that I recall.              10:17:10
3          Q.    Have you personally created     10:17:11
4    or witness someone create output from       10:17:14
5    ChatGPT that replicates your books?         10:17:17
6          A.    Not that I recall.              10:17:21
7          Q.    Have you personally created     10:17:22
8    or witnessed someone create output from     10:17:26
9    Meta's AI model that regurgitates portions  10:17:29
10   of your books?                              10:17:35
11         A.    Not that I recall.              10:17:38
12         Q.    Same question regarding         10:17:39
13   ChatGPT.                                    10:17:41
14         A.    Not that I recall.              10:17:41
15         Q.    When AI first came out -- and   10:17:45
16   if you take yourself back to late 2022      10:17:47
17   and 2023, were you concerned that AI        10:17:51
18   could displace you or others like you,      10:17:56
19   others who write?                           10:18:04
20              MR. RATHUR:  Objection to        10:18:07
21       form.                                   10:18:08
22              You can answer.                  10:18:08
23         A.    No, not that I recall.  There   10:18:10
24   was -- I know that there was a great deal   10:18:13
25   of concern among writers.  I know that      10:18:15
```
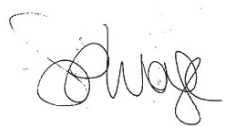
Page 53

1   HIGHLY CONFIDENTIAL PURSUANT TO PO
2   CERTIFICATE OF REPORTER
3   I, SILVIA P. WAGE, CSR, CRR, RPR,
     herby certify that the witness in the
4   foregoing deposition was by me duly sworn
     to tell the whole truth, nothing but the
5   truth; said deposition was taken down in
     shorthand by me, a disinterested person,
6   at the time and place therein stated. The
     testimony of said witness was thereafter
7   reduced to typewriting by computer under
     my direction and supervision. Before
8   completion of the deposition, review of
     the transcript [X] was [ ] was not
9   requested. If requested, any changes
     made by the deponent (and provided to
10   the reporter) during the period allowed
     are appended hereto.
11
          I further certify that I am not of
12   counsel or attorney for either or any
     of the parties to the said deposition,
13   nor in any way interested in the event
     of this cause, and that I am not
14   related to any of the parties thereto.
15
16
17
18
19
20   SIGNED: *Swage*
21   dated: December 5, 2024
22
23
24
25

                                    Page 400

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4

5

6   *******************************

7   RICHARD KADREY, ET AL.,

8   Individual and

               Representative Plaintiffs

9

    vs.   CA NO. 3:23-CV-03417-VC

10

    META PLATFORMS, INC., a

11 Delaware corporation,

12   Defendant

13 *******************************

14

15

16   VIDEOTAPED DEPOSITION OF:

17   JUNOT DIAZ

18   COOLEY LLP

19   500 Boylston Street

20   Boston, Massachusetts

21   November 20, 2024   9:06 a.m.

22

23

24   Darlene M. Coppola, RPR, RMR, CRR

                                    Page 1

1	another developer of a large language model	10:11:33
2	had purchased copies of your books and then	10:11:36
3	used those copies of the books to train or	10:11:41
4	teach the large language model English or how	10:11:45
5	to write, do you have an opinion on whether	10:11:51
6	that is fair use or not?	10:11:52
7	MR. RATHUR: Objection. Calls	10:11:55
8	for speculation.	10:11:55
9	A. Yeah, I'm -- again, I think that, for	10:11:55
10	me, it's always if you're going to use the	10:11:58
11	book in a certain way, then you negotiate with	10:12:01
12	the people of how you're using the book. If	10:12:04
13	someone wants to quote Chapter 4 of a novel,	10:12:08
14	they have to come to my agent and editor for	10:12:14
15	that. So I assume if you're going to do	10:12:17
16	something spectacular, like train a massive	10:12:19
17	large language system, I would assume that	10:12:25
18	there would be a negotiation involved other	10:12:28
19	than I just happened to buy it. But, again, I	10:12:30
20	have lawyers and agents and publishers who I	10:12:32
21	think it would be useful to deepening my	10:12:35
22	understanding of that.	10:12:41
23	Q. Are you aware of any evidence that	10:12:42
24	Meta's large language models are able to	10:12:51

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1	reproduce your books?	10:12:54
2	A. I think this -- this matter must show.	10:13:01
3	In other words, I think that this is what	10:13:05
4	we're, I think, in this process for. I'm	10:13:07
5	assuming that things will be revealed and	10:13:12
6	things will be learned.	10:13:14
7	So at this moment, I know that the --	10:13:15
8	that the -- what they're capable of doing is	10:13:18
9	outside of my understanding until some sort of	10:13:22
10	real experts get in there.	10:13:28
11	Q. What I'm asking you, are you	10:13:31
12	personally aware or has anybody told you that	10:13:33
13	they -- that Meta's large language models are	10:13:36
14	able and have reproduced your works?	10:13:40
15	A. I have a student -- a former student	10:13:44
16	who said that, Hey, I put in a prompt to write	10:13:48
17	like you, and it made a credible example. I	10:13:51
18	mean, beyond that kind of discussion --	10:13:55
19	Q. Right.	10:13:58
20	A. -- which was alarming.	10:13:58
21	Q. Was that student talking about	10:14:00
22	ChatGPT?	10:14:02
23	A. They didn't reveal which one it was.	10:14:04
24	Q. Did the student say that they were	10:14:05

1	talking about Meta's LLAMA model?	10:14:06
2	A. Again, they did not reveal which --	10:14:09
3	Q. So you don't know? You don't know if	10:14:12
4	they were talking about --	10:14:13
5	A. Absolutely not. I know that they were	10:14:14
6	just talking about them. They could have	10:14:15
7	been.	10:14:17
8	Q. But you don't know?	10:14:17
9	A. As I said, I don't, but they could	10:14:18
10	have been.	10:14:19
11	Q. And when did that student --	10:14:23
12	A. It was in the fall of -- of the end --	10:14:26
13	the end of the year 2023.	10:14:29
14	Q. Have you used ChatGPT or LLAMA or any	10:14:32
15	generative AI tool yourself?	10:14:37
16	A. No, other than to -- at the beginning	10:14:40
17	of the whole students can generate	10:14:41
18	assignments, I recall jumping on to one and	10:14:49
19	seeing if it could duplicate one of my	10:14:55
20	assignments, and I think that's the extent of	10:14:57
21	my usage of it.	10:15:00
22	Q. I don't follow. Can you explain what	10:15:03
23	you mean by that.	10:15:04
24	A. In other words, there was a bunch	10:15:05

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1	historically has been that most people don't	17:55:03
2	kill each other over a painting or a	17:55:06
3	photograph, but people get real worked up when	17:55:10
4	you start reproducing four or five images.	17:55:12
5	So, yeah, I think one could say one	17:55:16
6	piece, one -- there could be an argument made	17:55:17
7	for one photograph being equal to an entire	17:55:20
8	novel. And I would be sensitive to that if	17:55:25
9	somebody said to me, No, don't do it. It	17:55:26
10	would probably alter my conceptualization of	17:55:29
11	this. But because I haven't seen that happen	17:55:32
12	in all my years of dealing with people in the	17:55:36
13	visual arts and universities using images and	17:55:41
14	sort of journalistic enterprises citing an	17:55:45
15	image and not paying for it, it seems to be	17:55:49
16	standard, but I could be wrong, and I would be	17:55:52
17	happy to adjust my operational procedure, no	17:55:54
18	problem.	17:55:58
19	Q. Are you aware of Meta reproducing your	17:56:05
20	book "Drown"?	17:56:10
21	A. I have no -- you asked that before, I	17:56:13
22	think, and I remember saying no, I think.	17:56:15
23	Q. And are you aware of Meta reproducing	17:56:17
24	your book "Oscar Wao"?	17:56:19

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1	A. Again, I'm not aware of it.	17:56:22
2	MR. GHAJAR: No further	17:56:24
3	questions.	17:56:24
4	THE WITNESS: All right.	17:56:25
5	MR. GHAJAR: Go off the record.	17:56:25
6	THE VIDEOGRAPHER: The time is	17:56:28
7	5:56. We're off the record.	17:56:30
8	MR. GHAJAR: I'll take a	17:57:02
9	rough.	17:57:02
10	MR. RATHUR: I'll take a rough	17:57:02
11	as well.	17:57:02
12		
13		
14	(Deposition concluded at 5:56 p.m.)	
15		
16		
17		
18		
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21		
22		
23		
24		

1

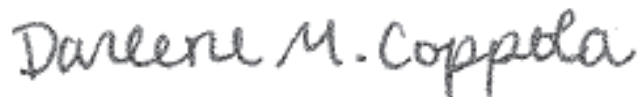   CERTIFICATION

2   I, DARLENE M. COPPOLA, a Notary Public, do hereby

3   certify that JUNOT DIAZ, after having satisfactorily

4   identifying himself, came before me on the 20th day of

5   November, 2024, in Boston, Massachusetts, and was by

6   me duly sworn to testify to the truth and nothing but

7   the truth as to his knowledge touching and concerning

8   the matters in controversy in this cause; that he was

9   thereupon examined upon his oath and said examination

10   reduced to writing by me; and that the statement is a

11   true record of the testimony given by the witness, to

12   the best of my knowledge and ability.

13   I further certify that I am not a relative or

14   employee of counsel/attorney for any of the parties,

15   nor a relative or employee of such parties, nor am I

16   financially interested in the outcome of the action.

17   WITNESS MY HAND THIS 5th day of December, 2024.

18

19   _Darlene M. Coppola_

20

21   DARLENE M. COPPOLA   My commission expires:

22   NOTARY PUBLIC   November 2, 2029

23   REGISTERED MERIT REPORTER

24   CERTIFIED REALTIME REPORTER

                                        Page 378

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 1                UNITED STATES DISTRICT COURT
 2          FOR THE NORTHERN DISTRICT OF CALIFORNIA
 3                        ---oOo---
 4

 5    RICHARD KADREY, ET AL.,
 6                 Individual and Representative
      Plaintiffs,
 7

          vs.                    CASE NO. 3:23-CV-03417-VC
 8

      META PLATFORMS, INC., A
 9    DELAWARE CORPORATION;
10                 Defendants.
      _____
11

12       ***HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY***
13

14    VIDEO-RECORDED DEPOSITION OF CHRISTOPHER FARNSWORTH
15                 Santa Monica, California
16                 Wednesday, December 4, 2024
17

18

19

20

21

22

23    Stenographically Reported by:  Ashley Soevyn,
      CALIFORNIA CSR No. 12019
24    Job No. 7051779
25    Pages 1 - 394
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                                                      Page 1

1   Q   -- on the Books3 database. I'm asking if   10:13:56

2   you know if any of the generative AI tools, such as

3   ChatGPT or Meta AI, allow users to read one of your

4   books using their LLMs?

5   MR. HUTCHINSON: Same objection.   10:14:10

6   THE WITNESS: What I understand is that

7   the LLMs can, in fact, regurgitate chunks of my

8   books in response to prompts.

9   BY MR. GHAJAR:

10   Q   I'm asking a slightly different question,   10:14:20

11   but I will get to that --

12   A   Okay.

13   Q   -- in a moment.

14   Are you aware of any generative AI tool

15   that allows users to read one of your books?   10:14:30

16   A   Oh, no.

17   MR. HUTCHINSON: Same objections.

18   THE WITNESS: No. I am not aware of any

19   generative AI tool that enables a user to directly

20   read one of my books.   10:14:42

21   BY MR. GHAJAR:

22   Q   How about to indirectly read one of your

23   books?

24   MR. HUTCHINSON: Same objection.

25   THE WITNESS: That, I would go back to   10:14:49

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1   meant when -- in paragraph 69[sic] by saying that   11:32:49

2   Meta distributed:

3   (As read):

4   "Works owned by plaintiff."

5   MR. HUTCHINSON: Objection as to form.   11:32:57

6   THE WITNESS: From what I understand, the

7   use and distribution of the large-language models is

8   in order to create it, it requires the distribution

9   of the works as well. And the use of the models

10   requires the distribution of the ancillary product   11:33:11

11   or the model that was trained on my books and on the

12   data.

13   BY MR. GHAJAR:

14   Q   Is it your understanding that Meta has

15   distributed copies or portions of your books   11:33:25

16   publicly?

17   MR. HUTCHINSON: Objection as to form.

18   THE WITNESS: No.

19   BY MR. GHAJAR:

20   Q   Are you aware of any instance in which   11:33:30

21   Meta has distributed copies of your books or

22   portions of your books publicly?

23   MR. HUTCHINSON: Objection as to form.

24   THE WITNESS: No.

25

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1   REPORTER'S CERTIFICATE

2   I, ASHLEY SOEVYN, a Certified Shorthand

3   Reporter of the State of California, do hereby

4   certify:

5   That the foregoing proceedings were taken

6   before me at the time and place herein set forth;

7   at which time the witness was put under oath by me;

8   That the testimony of the witness, the

9   questions propounded, and all objections and

10   statements made at the time of the examination were

11   recorded stenographically by me and were thereafter

12   transcribed;

13   That a review of the transcript by the

14   deponent was requested;

15   That the foregoing is a true and correct

16   transcript of my shorthand notes so taken.

17   I further certify that I am not a relative

18   or employee of any attorney of the parties, nor

19   financially interested in the action.

20   I declare under penalty of perjury under

21   the laws of California that the foregoing is true

22   and correct. Dated this 18th day of December, 2024.

23

24

      ASHLEY SOEVYN

25   CSR No. 12019

                                              Page 391

```
 1            UNITED STATES DISTRICT COURT

 2          NORTHERN DISTRICT OF CALIFORNIA

 3             SAN FRANCISCO DIVISION

 4

 5     --------------------------------x

 6     RICHARD KADREY, et al.,

 7              Individual and

 8              Representative Plaintiffs,

 9        vs.                       Case No.

10     META PLATFORMS, INC., a        3:23-cv-03417-VC

11     Delaware corporation,

12              Defendant.

13     --------------------------------x

14

15           C O N F I D E N T I A L

16

17         VIDEOTAPED DEPOSITION OF

18            CHRISTOPHER GOLDEN

19           Boston, Massachusetts

20

21     Reported by:

22     MaryJo O'Connor, RDR, RMR

23     Job No:  6917590

24

25     PAGES 1 - 407
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Page 1

CONFIDENTIAL

1	Q. Sure. Have you ever used -- let's	12:06:02
2	start with you. Have you ever used generative	12:06:05
3	AI and had it reproduce one of your novels?	12:06:07
4	A. No.	12:06:10
5	Q. Have you ever heard of somebody	12:06:10
6	using generative AI and being able to	12:06:14
7	successfully reproduce one of your novels?	12:06:18
8	A. Specifically to your question, no.	12:06:20
9	Q. Okay. Are you aware of somebody	12:06:25
10	that's been able to use Meta's generative AI	12:06:27
11	tools and regurgitate chapters from the books	12:06:30
12	at issue in this case?	12:06:36
13	A. No.	12:06:38
14	Q. Are you aware of any use of Meta's	12:06:42
15	generative AI tools that is able to generate	12:06:48
16	chapters of or language from any of your other	12:06:51
17	books?	12:06:55
18	MR. ZIRPOLI: Object to the form	12:06:55
19	of the question.	12:06:56
20	A. Could you break that down a little	12:06:56
21	bit in.	12:06:59
22	Q. Sure. Are you aware of any use	12:06:59
23	of -- strike that.	12:07:03
24	Are you aware of anybody who has	12:07:04
25	been able to use Meta's generative AI tools to	12:07:06

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1   generate chapters of your books other than the   12:07:09

2   books at issue in this case?   12:07:13

3   A.   Not that I'm aware of.   12:07:15

4   Q.   Have you ever asked somebody on   12:07:16

5   your behalf to use generative AI and run some   12:07:20

6   prompts to see what kind of answers it would   12:07:24

7   give?   12:07:26

8   A.   I've never asked anyone to do   12:07:26

9   that.   12:07:28

10   Q.   Has someone done so and then   12:07:29

11   brought the results to your attention?   12:07:31

12   A.   A friend of mine, prior to my   12:07:32

13   getting involved in any of this, using I   12:07:37

14   believe a different platform, asked the   12:07:42

15   platform, asked the AI to write a one-page   12:07:50

16   short story in the style of Christopher Golden.   12:07:53

17   She, in some fashion, which I   12:07:58

18   don't remember the details of, shared that with   12:08:01

19   me. Yeah.   12:08:08

20   Q.   Did you produce that in discovery?   12:08:09

21   A.   If I had it, I produced it.   12:08:12

22   Q.   Do you recall whether you still --   12:08:14

23   do you recall whether you still have that?   12:08:17

24   A.   I do not recall.   12:08:18

25   Q.   And who is your friend?   12:08:19

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1   C E R T I F I C A T E

2

3   I, MaryJo O'Connor, a Notary Public

4   in and for the Commonwealth of

5   Massachusetts, do hereby certify:

6   That CHRISTOPHER GOLDEN, the

7   witness whose testimony is hereinbefore set

8   forth, was duly sworn by me and that such

9   testimony is a true and accurate record of

10   my stenotype notes taken in the foregoing

11   matter to the best of my knowledge, skill

12   and ability.

13   IN WITNESS WHEREOF, I have hereunto

14   set my hand and Notarial Seal this 30th day

15   of September 2024.

16

17

18   *Maryjo O'Connor*

19

20   MARYJO O'CONNOR, RDR/RMR

21   Notary Public

22

23

24   My Commission expires:

25   September 12, 2025

```
 1              UNITED STATES DISTRICT COURT

 2            NORTHERN DISTRICT OF CALIFORNIA

 3               SAN FRANCISCO DIVISION

 4

 5   RICHARD KADREY, et al.,          )
                                      )
 6       Individual and              )
         Representative Plaintiffs, )
 7                                    )
             vs.                      ) Case No.
 8                                    ) 3:23-cv-03417-VC
     META PLATFORMS, INC., a          )
 9   Delaware corporation,            )
                                      )
10            Defendant.              )
     _____ )
11

12     VIDEO-RECORDED DEPOSITION OF ANDREW SEAN GREER

13

                 Tuesday, September 24, 2024

14

                 San Francisco, California

15

16

17

18

19

20

21

22

23   Stenographically Reported By:

24   Hanna Kim, CLR, CSR No. 13083

25   Job No. 6928896
```

Page 1

```
 1    the book is then stored inside the model?

 2         A.    I don't know.

 3         Q.    Is it your understanding that if your

 4    books were included in training data that was used

 5    to train a Meta large language model, that the books    01:53:29

 6    can be replicated by that large language model?

 7         A.    I don't know.

 8         Q.    Is it your understanding that portions of

 9    the books could be replicated in that scenario?

10         A.    I don't know.                                01:53:42

11         Q.    Are you aware of any instance in which a

12    Meta large language model has been used to generate

13    a work that contains text from one of your books?

14         A.    The question was whether I'm aware of

15    that?                                                   01:54:09

16         Q.    Correct.

17         A.    No.

18         Q.    Is it your understanding that if your

19    books were included in training data for a Meta

20    large language model, that the large language model     01:54:24

21    could replicate the style of your writing?

22              MR. CLOBES:  Objection to form.

23              THE WITNESS:  I don't know.

24    BY MR. LAUTER:

25         Q.    You have no idea?                            01:54:34
```

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1   CERTIFICATE OF REPORTER

2   I, Hanna Kim, a Certified Shorthand

3   Reporter, do hereby certify:

4   That prior to being examined, the witness

5   in the foregoing proceedings was by me duly sworn to

6   testify to the truth, the whole truth, and nothing

7   but the truth;

8   That said proceedings were taken before me

9   at the time and place therein set forth and were

10   taken down by me in shorthand and thereafter

11   transcribed into typewriting under my direction and

12   supervision;

13   I further certify that I am neither

14   counsel for, nor related to, any party to said

15   proceedings, not in anywise interested in the

16   outcome thereof.

17   Further, that if the foregoing pertains to

18   the original transcript of a deposition in a federal

19   case, before completion of the proceedings, review

20   of the transcript [X] was [ ] was not requested.

21   In witness whereof, I have hereunto

22   subscribed my name.

23   Dated: 10/1/24

24

         Hanna Kim

25   CLR, CSR No. 13083

                                    Page 340

1   UNITED STATES DISTRICT COURT
         NORTHERN DISTRICT OF CALIFORNIA
2   SAN FRANCISCO DIVISION
         Case No. 3:23-cv-03417-VC
3   ------------------------------------x
         RICHARD KADREY, et al., Individual and
4   Representative,
5   Plaintiffs,
6   - against -
7   META PLATFORMS, INC., a Delaware
         corporation,
8
9   Defendant.
         ------------------------------------x
10
                             September 16, 2024
11   9:05 a.m.
12
13
14   VIDEOTAPED DEPOSITION of DAVID HENRY
15   HWANG, held at the offices of COOLEY LLP,
16   located at 55 Hudson Yards, New York, New
17   York 10001, before Anthony Giarro, a
18   Registered Professional Reporter, a
19   Certified Realtime Reporter and a Notary
20   Public of the State of New York.
21
22
23
24
25

                                          Page 1

1   Q   That's what you've read?

2   A   I don't know.

3   Q   Are you aware of any time

4   that a Meta Generative AI tool has been

5   used to generate a work that contains

6   text from either Golden Child, M.

7   Butterfly or Trying to Find Chinatown and

8   Bondage?

9   A   No, I am not.

10   Q   Which lawsuit did you file

11   first? The one against Meta or OpenAI?

12   A   I don't know.

13   Q   Take me back to the moment

14   when you decided you were going to become

15   a plaintiff in this litigation.

16   How did that come about?

17   A   I was contacted by

18   Ms. Waldman, who asked if I wanted to

19   speak to some lawyers. I then met with

20   Mr. Clobes and subsequently decided to

21   become a co-plaintiff.

22   Q   And how did Ms. Waldman

23   reach out to you? Was it via text at

24   first or via a phone call or some other

25   means?

Page 203

1   C E R T I F I C A T I O N

2

3

4   I, ANTHONY GIARRO, a Shorthand

5   Reporter and a Notary Public, do hereby

6   certify that the foregoing witness, DAVID

7   HENRY HWANG, was duly sworn on the date

8   indicated, and that the foregoing, to the

9   best of my ability, is a true and accurate

10   transcription of my stenographic notes.

11   I further certify that I am not

12   employed by nor related to any party to

13   this action.

14

15

16

17   ANTHONY GIARRO

18

19

20

21

22

23

24

25

                                       Page 382

```
 1              UNITED STATES DISTRICT COURT
 2             NORTHERN DISTRICT OF CALIFORNIA
 3                SAN FRANCISCO DIVISION
 4
 5               CASE NO. 3:23-CV-03417-VC
 6
 7    RICHARD KADREY, ET AL              )
                                         )
 8         Individual and               )
           Representative Plaintiffs,   )
 9                                       )
           VS.                           )
10                                       )
      META PLATFORMS, INC., A DELAWARE   )
11    CORPORATION                        )
                                         )
12               Defendant.              )
      _____/
13
14            DEPOSITION OF RICHARD KADREY
                       VIDEOTAPED
15
16       DEPOSITION taken before me, Brenda J. Brink, a
17    Notary Public, within and for the Commonwealth of
18    Pennsylvania, beginning at 9:35 a.m. on September 25,
19    2024, at the offices of Regus - Foster Plaza
20    Pittsburgh, 651 Holiday Drive, Plaza 5, Suite 400,
21    Pittsburgh, Pennsylvania, 15220, to be used pursuant
22    to all applicable rules in the aforesaid cause of
23    action, pending in the United States District Court,
24    Northern District of California, San Francisco
25    Division.
```

Page 1

1   A.   Yes, if Llama is using anybody's

2   pirated work, I would object to that.

3   Q.   Do you have an understanding of

4   whether Llama, in response to queries,

5   would expel portions of your works in full

6   text?

7   MR. ZIRPOLI: Object to the form

8   of the question.

9   A.   Can you say the question again?

10   Q.   Do you have an understanding

11   whether Llama in response to a query would

12   expel portions of your work in full text?

13   MR. ZIRPOLI: Object to the form

14   of the question.

15   A.   It is my understanding that that's

16   possible. Again, I have never seen it.

17   Q.   And if it were the case that Meta's

18   Llama model does not either reproduce in

19   full your works or replicate in substantial

20   part any of your works, would that change

21   your view about Llama?

22   MR. ZIRPOLI: Object to the form

23   of the question.

24   A.   No, because, again, Llama is built
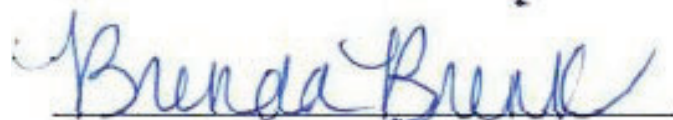
25   on Books3, which is a site of pirated work,

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```
 1    COMMONWEALTH OF PENNSYLVANIA      )

                                       )    CERTIFICATE

 2    COUNTY OF ALLEGHENY              )   SS:

 3

 4         I, Brenda J. Brink, RPR and Notary Public in and

 5    for the Commonwealth of Pennsylvania, do hereby

 6    certify that the witness, Richard Kadrey, was by me

 7    first duly sworn to testify to the truth; that the

 8    foregoing deposition was taken at the time and place

 9    stated herein; and that the said deposition was

10    recorded stenographically by me and then reduced to

11    printing under my direction, and constitutes a true

12    record of the testimony given by said witness.

13         I further certify that the inspection, reading

14    and signing of said deposition were NOT waived by

15    counsel for the respective parties and by the

16    witness.

17         I further certify that I am not a relative or

18    employee of any of the parties, or a relative or

19    employee of either counsel, and that I am in no way

20    interested directly or indirectly in this action.

21         IN WITNESS WHEREOF, I have hereunto set my hand

22    and affixed my seal of office this 11th day of

23    October, 2024.

24                                  _____

25                                      Notary Public
```

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```
 1              UNITED STATES DISTRICT COURT

 2            NORTHERN DISTRICT OF CALIFORNIA

 3               SAN FRANCISCO DIVISION

 4      -----------------------------:

 5      RICHARD KADREY, et al.,        :

 6          Individual and            :

 7        Representative Plaintiffs,:

 8            vs.                      : Case No.:

 9      META PLATFORMS, INC.,          : 3:23-cv-03417-VC

10      a Delaware corporation;        :

11                 Defendant.          :

        -----------------------------:

12

13        VIDEOTAPED DEPOSITION OF MATTHEW C. KLAM

14          Cleary Gottlieb Steen & Hamilton, LLP

15             Tuesday, December 10, 2024

16                    9:40 a.m.

17

18      Reported by:

19      Robert M. Jakupciak, RPR

20      JOB No. SF-7030273

21

22      PAGES 1 - 381
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Page 1

1	love with her or whatever. I asked it to	15:23:07
2	imitate me and I felt that I was reading a bad	15:23:10
3	imitation of my work.	15:23:13
4	Q. Okay. I hear you saying that. I'm	15:23:15
5	really trying to ask a very targeted question.	15:23:19
6	A. Yes.	15:23:22
7	Q. Have you seen any sentence you've	15:23:22
8	written be reproduced by an AI model in	15:23:24
9	response to a prompt?	15:23:28
10	A. I wasn't reading that carefully, so	15:23:30
11	I would have to say I'm not sure. Why don't we	15:23:32
12	just throw it up on a screen here and start	15:23:34
13	running some tests?	15:23:38
14	Q. As you sit here today, can you	15:23:39
15	identify any sentence you've ever written that	15:23:40
16	has been reproduced by an AI model in response	15:23:44
17	to a prompt?	15:23:47
18	A. I didn't retain that level of	15:23:48
19	specificity about looking at what it was	15:23:51
20	capable of doing.	15:23:54
21	Q. Can you identify any language	15:23:59
22	you've written in one of your books that has	15:24:01

Page 238

1	been reproduced in the output of an AI model?	15:24:04
2	A. No.	15:24:08
3	Q. And is your answer the same for	15:24:11
4	both Meta AI and ChatGPT?	15:24:13
5	A. Yeah. I guess so.	15:24:18
6	Q. Do you believe that use of your	15:24:29
7	books to train a large language model damages	15:24:35
8	the market for your books?	15:24:41
9	MR. RATHUR: Objection to the	15:24:45
10	extent it calls for speculation.	15:24:45
11	A. So as I was explaining earlier, I	15:24:49
12	have these, you know, in the last 30 years I've	15:24:54
13	published 12 stories in The New Yorker. That's	15:24:59
14	on average one every less than three years or	15:25:01
15	whatever.	15:25:05
16	I, when I publish a story in The	15:25:06
17	New Yorker, I have an experience which is sort	15:25:09
18	of unlike my normal life. I'm not a famous	15:25:11
19	writer, but suddenly hundreds of thousands or	15:25:14
20	maybe a million people suddenly see my work,	15:25:15
21	and if they have a positive response, they	15:25:19
22	might go and LLM my website, which a bunch of	15:25:24

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```
 1              REPORTER'S CERTIFICATE

 2

 3              I, ROBERT M. JAKUPCIAK, an RPR and

 4    Notary Public within and for the District of

 5    Columbia do hereby certify:

 6              That the witness whose deposition is

 7    hereinbefore set forth, was duly sworn and that

 8    the within transcript is a true record of the

 9    testimony given by such witness.

10              I further certify that I am not

11    related to any of these parties to this action

12    by blood or marriage and that I am in no way

13    interested in the outcome of this matter.

14              IN WITNESS WHEREOF, I have hereunto

15    set my hand this 20th day of December, 2024.

16

17

18              ROBERT M. JAKUPCIAK, an RPR and

19              Notary Public

20

21    My Commission Expires:

22    February 28, 2029
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```
 1            IN THE UNITED STATES DISTRICT COURT

 2        FOR THE NORTHERN DISTRICT OF CALIFORNIA

 3                SAN FRANCISCO DIVISION

 4   RICHARD KADREY, ET AL   )

 5       Plaintiffs          )Case No.: 3:23-cv-03417-VC

 6            Vs.            )

 7   META PLATFORMS, INC.,   )

 8   A Delaware Corporation  )

 9       Defendant           )

10              --------------------

11

12            Deposition of LAURA LIPPMAN, was taken

13   via videotape on Tuesday, September 17, 2024,

14   commencing at 9:32 a.m., at Kramon & Graham, P.A.,

15   750 East Pratt Street, Suite 1100, Baltimore,

16   Maryland, before MICHELE D. LAMBIE, Notary Public.

17              --------------------

18

19

20   Reported By:

21            Michele D. Lambie, CSR-RPR
```

Page 1

1   person has read text generated by a Meta LLM as a   05:44:04

2   substitute for reading one of your six at-issue   05:44:10

3   books?   05:44:14

4   MR. SWEATMAN: Object to form.   05:44:15

5   THE WITNESS: At this point in time, that   05:44:15

6   is true.   05:44:17

7   BY MS. DUNNING: 05:44:18

8   Q.   True or false, you are personally unaware   05:44:18

9   of any text generated by any Meta LLM that contains   05:44:28

10   text from one of your six books?   05:44:37

11   MR. SWEATMAN: Object to form.   05:44:39

12   THE WITNESS: At this point in time, that   05:44:40

13   is true.   05:44:43

14   BY MS. DUNNING: 05:44:44

15   Q.   True or false, at this time, you are   05:44:44

16   personally unaware of any text generated by any   05:44:52

17   Meta LLM that infringes the copyright in any of   05:44:57

18   your six at-issue books?   05:45:01

19   MR. SWEATMAN: Object to form.   05:45:03

20   THE WITNESS: Could you repeat that one?   05:45:05

21   BY MS. DUNNING: 05:45:09

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1	Q. True or false, at this time, you are	05:45:09
2	personally unaware of any text generated by any	05:45:12
3	Meta LLM that infringes your copyright in any of	05:45:16
4	your six at-issue books?	05:45:21
5	MR. SWEATMAN: Objection to form.	05:45:24
6	THE WITNESS: At this point in time, that	05:45:25
7	is true.	05:45:27
8	BY MS. DUNNING:	05:45:27
9	Q. Other than your use of the AI-Pro tool,	05:45:27
10	does it -- is it the case that you have not	05:45:45
11	personally used any of the ChatGPT large language	05:45:51
12	models?	05:45:59
13	MR. SWEATMAN: Object to form.	05:46:00
14	THE WITNESS: As far as I know, I have	05:46:02
15	not had anything to do with ChatGPT.	05:46:03
16	BY MS. DUNNING:	05:46:06
17	Q. You are not alleging in this case that	05:46:06
18	Meta used any unpublished work of yours to train	05:46:22
19	any LLM, correct?	05:46:27
20	MR. SWEATMAN: Object to form.	05:46:31
21	THE WITNESS: There is no unpublished	05:46:33

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```
 1  State of Maryland

 2  County of Baltimore, to wit:

 3             I, Michele D. Lambie, a Notary Public of

 4  the State of Maryland, County of Baltimore, do

 5  hereby certify that the within-named witness

 6  personally appeared before me at the time and place

 7  herein set out, and after having been duly sworn by

 8  me, according to law, was examined by counsel.

 9             I further certify that the examination

10  was recorded stenographically by me and this

11  transcript is a true record of the proceedings.

12             I further certify that I am not of

13  counsel to any of the parties, nor related to any

14  of the parties, nor in any way interested in the

15  outcome of this action.

16             As witness my hand and notarial seal this

17  2nd day of October 2024.

18

19

    Michele D Lambie

20

21
```

Page 344

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4

5   RICHARD KADREY, et al.,   )

6   Individual and   )

7   Representative Plaintiffs,)

8   vs.   )Case No.

9   META PLATFORMS, INC., a   )3:23-cv-03417-VC

10   Delaware corporation,   )

11   Defendant.   )

12   _____)

13

14   C O N F I D E N T I A L

15

16   VIDEOTAPED DEPOSITION OF SARAH SILVERMAN

17   Los Angeles, California

18   Thursday, October 10, 2024

19   VOLUME I

20

21   Stenographically Reported by:

22   RENEE D. ZEPEZAUER, RPR, CRR, CSR No. 6275

23   JOB No. 6944934

24

25   PAGES 1 - 330

                                        Page 1

```
 1    doesn't matter what he does with it or what output comes    02:20:01

 2    from it.  It's not right.  Anyone who is not a

 3    billionaire or anyone -- poor people steal and they go

 4    to jail.

 5    BY MS. DUNNING:                                             02:20:19

 6        Q    My question was:  Are you aware of any place

 7    someone could go to access your book --

 8        A    Word for word?

 9        Q    -- on Meta?  We'll start with the whole book.

10    Is there any place somebody can access your whole book    02:20:31

11    on any Meta tool or platform?

12            MR. ZIRPOLI:  Object to the form of the

13    question.

14            THE WITNESS:  Not that I know of.

15    BY MS. DUNNING:                                             02:20:37

16        Q    Is there any place someone could go on any Meta

17    tool or platform to access any text from your book?

18            MR. ZIRPOLI:  Object to the form of the

19    question.

20            THE WITNESS:  My answer would be probably some    02:20:46

21    countries.

22    BY MS. DUNNING:

23        Q    Okay.  Let me ask it this way.  Are you aware

24    of any instance in which text from your book has been

25    accessible through any Meta AI tool?                        02:20:55
```

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1   A   I'm unaware.   02:20:58

2   Q   Okay. You mentioned LLaMA early on. Do you

3   have an understanding of how many versions of LLaMA have

4   been put out?

5   A   No idea.   02:21:20

6   Q   Do you understand or have any knowledge of how

7   LLaMA was released to be used?

8   A   No.

9   Q   Do you have any understanding of how LLaMA is

10   being used by people?   02:21:33

11   MR. ZIRPOLI: Object to the form of the

12   question.

13   THE WITNESS: No, not per se.

14   BY MS. DUNNING:

15   Q   Are you aware -- have you heard the term "large 02:21:41

16   language model"?

17   A   That's what LLaMA stands -- that's what LLaMA

18   is; right?

19   Q   Yeah. A large language model is a model that

20   produces -- that is trained on text. And there are   02:21:53

21   image models that might be trained on images. But if I

22   use the term LLM or large language model, will you

23   understand I'm referring to AI model that's trained on

24   text?

25   A   Why don't you just say "LLaMA"?   02:22:10

                                                    Page 158

```
 1    your assertion that your book was used to train either      02:31:56

 2    ChatGPT or LLaMA?

 3             MR. ZIRPOLI:  Object to the form of the

 4    question.

 5             THE WITNESS:  It's just a fact.                     02:32:08

 6    BY MS. DUNNING:

 7        Q    I'm just asking why you -- what the evidence is

 8    for that assertion.

 9        A    This is conversations I had with my counsel as

10    well as I looked online.                                    02:32:21

11        Q    On THE ATLANTIC link?

12        A    Yes.  I have no reason to believe it isn't

13    true.  And certainly if it wasn't true, we wouldn't be

14    here.

15        Q    Are you aware of any instance in which a large     02:32:36

16    language model developed by Meta was used to generate

17    content that was substantially similar to your book?

18        A    I'm not aware.

19        Q    Are you aware of any time that a Meta large

20    language model was used to generate content that has any    02:32:56

21    language from your book?

22             MR. ZIRPOLI:   Object to the form of the

23    question.

24             THE WITNESS:   I mean, you could -- I'm sure I

25    could paste together words from my book.  No.  I'm not      02:33:07
```

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CONFIDENTIAL

1   aware.   02:33:12

2   BY MS. DUNNING:

3   Q   Are you aware of any time that any large

4   language model developed by Meta was used to generate

5   content that you think sounds like your voice?   02:33:22

6   MR. ZIRPOLI: Object to the form of the

7   question.

8   THE WITNESS: I'd offer that as beyond

9   irrelevant because the issue is that they stole. I

10   don't care what they do or don't do with the material.   02:33:36

11   They stole it. And they stole it for a reason.

12   BY MS. DUNNING:

13   Q   So the answer is you are not aware of any time

14   a Meta large language model has been used to generate

15   content that you believe is in your voice?   02:33:52

16   MR. ZIRPOLI: Object to the form of the

17   question.

18   THE WITNESS: I thought you were reiterating my

19   answer.

20   BY MS. DUNNING: 02:34:05

21   Q   No. I'm just trying to get a clean question

22   and answer.

23   Are you aware of any instance in which a Meta

24   large language model was used to create content that you

25   consider to be in your voice?   02:34:13

                                                        Page 169

CONFIDENTIAL

1   I, the undersigned, a Certified Shorthand

2   Reporter of the State of California, do hereby certify:

3   That the foregoing proceedings were taken

4   before me at the time and place herein set forth; that any

5   witnesses in the foregoing proceedings, prior to

6   testifying, were administered an oath; that a record of

7   the proceedings was made by me using machine shorthand

8   which was thereafter transcribed under my direction; that

9   the foregoing transcript is a true record of the testimony

10   given; that if the foregoing proceedings were reported

11   stenographically remote from the witness and parties, the

12   transcript of the proceedings reflects the record that I

13   could hear and understand to the best of my ability.

14   Further, that if the foregoing pertains to

15   the original transcript of a deposition in a Federal

16   Case, before completion of the proceedings, review of

17   the transcript [X] was [ ] was not requested.

18   I further certify I am neither financially

19   interested in the action nor a relative or employee of any

20   attorney or any party to this action.

21   IN WITNESS WHEREOF, I have this date

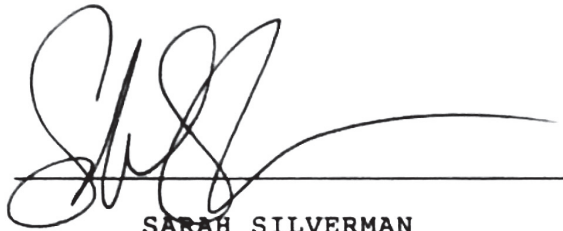22   subscribed my name this 24th day of October, 2024.

23

24   RENEE DiMENNO ZEPEZAUER

25   CSR #6275, RPR, CRR

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CONFIDENTIAL

1   I, SARAH SILVERMAN, do hereby declare under penalty

2   of perjury that I have read the foregoing transcript; that

3   I have made any corrections as appear noted, in ink,

4   initialed by me; that my testimony as contained herein, as

5   corrected, is true and correct.

6   EXECUTED this __19__ day of _November_

7   2024, at __Los Angeles__ , __California__ .

8   (City)   (State)

9

10

11

12

13

14   SARAH SILVERMAN

15   VOLUME I

16

17

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19

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23

24

25

Page 329

CONFIDENTIAL

1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4   - - - - - - - - - - - - - - -+

5   RICHARD KADREY, et al, |

6   Plaintiffs, | Case Number:

7   vs. | 3:23-cv-03417-VC

8   META PLATFORMS, INC., a |

9   Delaware corporation, |

10   Defendant. |

11   - - - - - - - - - - - - - - -+

12

13

14   Confidential Videotaped Deposition of

15   RACHEL LOUISE SNYDER

16   Wednesday, December 11, 2024

17   at 9:42 a.m.

18   in Washington, D.C.

19

20

21   Reported by:

22   Laurie Donovan, RPR, CRR, CLR

23   JOB 7030288

24

25   PAGES 1 - 285

                                              Page 1

1   take a word. It didn't take the word "Helsinki" and

2   say, oh, we're going to learn how to spell Helsinki

3   this way by using this writer who has spelled Helsinki

4   for us.

5   We're talking about 100,000 words in just

6   one book of mine, right, or maybe it's 90,000. I

7   don't know how many words. We're talking about the

8   structure of individual sentences as they make meaning

9   in the whole. It didn't just take an individual word.

10   Q   Have you, have you ever used Meta AI?

11   A   Have I ever used Meta? No.

12   Q   Have you ever used any of Meta's Llama

13   models?

14   A   No. I don't even know how to.

15   Q   You don't know how to access Llama?

16   A   I do not.

17   Q   Have you used ChatGPT?

18   A   No.

19   Q   Okay. So have you -- I want to distinguish

20   between ChatGPT, which is a product of Open AI, and

21   Meta AI, which is an available, user-available version

22   of Meta's AI models, okay? Table setting. We're only

23   here with respect to your claims against Meta.

24   Have you ever seen any output generated by a

25   Meta AI model that copies any language of yours?

Page 42

CONFIDENTIAL

1   A   I don't think so.

2   Q   Has anyone ever told you that they have seen

3   something you wrote come out of Meta's AI tool?

4   MR. RATHUR: Objection to form to the extent

5   it reveals the substance of communication with

6   counsel.

7   THE WITNESS: Yes.   My attorney.

8   BY MS. DUNNING:

9   Q   I don't want to ask about what you discussed

10   with your attorneys, but I'd love to know what the

11   output is that you saw that were -- you haven't seen

12   any output from the models that duplicates your work?

13   A   I've talked -- I've been shown things from

14   my attorney.

15   Q   Okay.   What did you see?

16   A   Am I allowed to answer that?

17   MR. RATHUR: I'm going to instruct you not

18   to answer.

19   MS. DUNNING: You're instructing her not to

20   answer as to the fact of output from Meta's

21   model?

22   MR. RATHUR: I'm instructing her to not

23   answer about anything that her counsel has shown

24   her in relation to this specific lawsuit.

25

Page 43

1   to that specific question. I misheard it.

2   THE WITNESS: I, I don't think so.

3   MR. RATHUR: Sorry.

4   BY MS. DUNNING:

5   Q   Has -- excluding conversations with your

6   lawyers, has anyone ever told you that they saw

7   something generated using a Meta AI tool that looks

8   like your work?

9   A   Oh, just in -- no, I don't -- no, I have not

10   talked to anybody specifically about my . . .

11   Q   Okay.

12   THE REPORTER: About my?

13   THE WITNESS: Yeah, about my work and --

14   yeah.

15   BY MS. DUNNING:

16   Q   Were you involved in the decision to file

17   this lawsuit initially?

18   A   Yes.

19   Q   How did you learn about the prospect of a

20   lawsuit?

21   MR. RATHUR: Objection to the extent it

22   reveals privileged communication between counsel,

23   but you can answer.

24   THE WITNESS: I talked to Bryan Clobes.

25

Page 57

CONFIDENTIAL

1   A   Mm-hmm.

2   Q   You're not aware of anybody having used any

3   product or service of Meta to generate a copy of your

4   book, right?

5   A   Mm-hmm.

6   Q   I've got to do it over, because we did

7   "mm-hmm."

8   In the hypothetical you just gave, the

9   furniture theft, you have a chair, somebody steals

10   your chair, and you don't have the chair anymore.

11   In our scenario, you are still selling your

12   book, correct?

13   A   Yes.

14   Q   You are still speaking about your book and

15   earning money from it, correct?

16   A   Yes.

17   Q   You're not aware of anybody having used any

18   product or service of Meta to generate a copy of your

19   book, right?

20   A   I don't know. I don't know.

21   Q   Okay, but as you sit here today, you are not

22   aware of that happening?

23   A   I don't know. Somebody could be out on the

24   sidewalk right now stealing my book on AI.

25   Q   You're saying --

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1   A   I have no idea.

2   Q   You're saying that's possible and you have

3 no idea. I'm just asking: Are you actually aware of

4 any instance in which that has happened?

5   A   I'm neither aware nor unaware.

6   Q   Are you aware of any instance in which

7 somebody has decided not to buy your book because they

8 could get alternative content from a Meta AI tool?

9   A   Not specifically a Meta AI tool, but I will

10 say this. I have a Google Alert with my name on it.

11 I have several Google Alerts in different

12 configurations of words, my name, my name with

13 domestic violence, et cetera, and I get a fair number

14 of alerts that take me to the book being distributed

15 illegally, and then I send forward those emails to my

16 publisher, and that, that's been the case.

17   I don't know that it was case with my very

18 first book. That book was a piece of shit anyway, but

19 it's certain, certainly been the case with my last

20 three books that I get Google Alerts, and I say, hey,

21 you know, there's some PDF library that is claiming

22 that they can -- you can get this book for free, and I

23 send it to my publisher, and then they try -- I think

24 they try to shut down that website.

25   So whether those come from Meta or somewhere

Page 138

1   could they agree?

2   Q   Are you aware of any writers who have

3   offered to allow their works to be trained by AI for a

4   fee?

5   A   No.

6   Q   Are you aware of any writers who have agreed

7   to allow their works to be trained by AI for free?

8   A   No.

9   Q   And you're not aware of any instance where

10   someone has read text generated by one of Meta's AI

11   models as a substitute for reading your book, No

12   Visible Bruises, correct?

13   A   No. That's correct.

14   Q   And you're not personally aware of any text

15   generated by any Meta AI model that copies or

16   reproduces content from No Visible Bruises, correct?

17   A   Correct.

18   Q   And you testified you have never used,

19   yourself, any Meta AI model, right?

20   A   No, not that I'm aware of.

21   Q   Each -- well, let me strike that.

22   At the time you assert Meta used your book,

23   No Visible Bruises, to train its AI models, that book

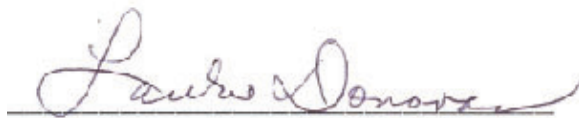24   had already been published, right?

25   A   Correct.

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CONFIDENTIAL

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 1    CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC

 2

 3        I, Laurie Donovan, Registered Professional

 4    Reporter, Certified Realtime Reporter, and notary

 5    public for the District of Columbia, the officer

 6    before whom the foregoing deposition was taken,

 7    do hereby certify that the foregoing transcript

 8    is a true and correct record of the testimony

 9    given; that said testimony was taken by me

10    stenographically and thereafter reduced to

11    typewriting under my supervision; and that I am

12    neither counsel for, related to, nor employed by

13    any of the parties to this case and have no

14    interest, financial or otherwise, in its outcome.

15        IN WITNESS WHEREOF, I have hereunto set my

16    hand and affixed my notarial seal this 24th day

17    of December 2024.

18

19    My commission expires:  July 14, 2027

20

21

22    _____

23        LAURIE DONOVAN

24        NOTARY PUBLIC IN AND FOR

25        THE DISTRICT OF COLUMBIA
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 1              UNITED STATES DISTRICT COURT
              NORTHERN DISTRICT OF CALIFORNIA
 2                SAN FRANCISCO DIVISION

 3

 4    RICHARD KADREY, et al.,              )
                                          )
 5          Plaintiffs,                    )
                                          )
 6    v.                                   )
                                          )
 7    META PLATFORMS, INC., a Delaware     )
      corporation,                         )
 8                                         )
            Defendant.                      )
 9    _____ )

10

11          CONFIDENTIAL ATTORNEYS' EYES ONLY

12

13       Videotaped Deposition of LYSA TERKEURST

14           Charlotte, North Carolina

15              September 23, 2024

16              9:51 a.m. Eastern

17

18

19

20

21

22

23    Reported by:  Karen K. Kidwell, RMR, CRR

24    Job No. 6922752

25
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Page 1

CONFIDENTIAL ATTORNEYS' EYES ONLY

```
 1    BY MS. HARTNETT:
 2         Q.   So as you -- we discussed that Meta is a      05:10:35
 3    generative AI tool, correct?                            05:10:38
 4         A.   Yes.                                           05:10:41
 5         Q.   And it generates texts to prompts; is that    05:10:41
 6    correct?                                                05:10:44
 7         A.   Yes.                                           05:10:45
 8         Q.   Are you aware of any text generated by any    05:10:45
 9    of Meta's LLaMA models that infringes your asserted     05:10:47
10    works?                                                  05:10:51
11              MR. ULWICK:  Same objection.                  05:10:51
12              THE WITNESS:  I know that LLaMA used          05:10:53
13         Books3 in its training.  So it would be a          05:10:58
14         reasonable conclusion that LLaMA is using my       05:11:03
15         word patterns without my permission.  And          05:11:10
16         because they have access to my entire manuscript   05:11:15
17         without my permission, yes, I do think that        05:11:19
18         LLaMA has infringed on my copyright.               05:11:22
19    BY MS. HARTNETT:
20         Q.   Let me ask it this way:  Are you aware of     05:11:26
21    any text generated by any of Meta's LLaMA models that   05:11:27
22    is substantially similar to your text in your works,    05:11:31
23    your asserted works?                                    05:11:36
24              MR. ULWICK:  Object to form.                  05:11:38
25              THE WITNESS:  No.                              05:11:41
```

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CONFIDENTIAL ATTORNEYS' EYES ONLY

1   BY MS. HARTNETT:

2   Q.   And are you aware of any text generated by   05:11:41

3   any of Meta's LLaMA models that is substantially   05:11:44

4   similar to not just your asserted works, but any of   05:11:47

5   your published copyrighted works?   05:11:51

6   MR. ULWICK: Same objection.   05:11:55

7   THE WITNESS: I would have to use LLaMA to   05:11:56

8   know the answers to these questions, and I don't   05:11:57

9   use it, so no.   05:12:00

10   BY MS. HARTNETT:

11   Q.   Were you aware there was a claim in this   05:12:01

12   case earlier that Meta's LLaMA models create --   05:12:02

13   strike that.   05:12:12

14   So you have no basis, sitting here today,   05:12:14

15   to claim that text has been generated by any of   05:12:15

16   Meta's LLaMA models at any time that is substantially   05:12:19

17   similar to the text of your copyrighted works?   05:12:23

18   MR. ULWICK: Object to form.   05:12:27

19   THE WITNESS: I don't know if it did or it   05:12:32

20   didn't.   I -- I wouldn't be able to know that.   05:12:33

21   BY MS. HARTNETT:

22   Q.   Yeah, but my question was, do you have a   05:12:36

23   basis?   And so that's what I'd like you to try to   05:12:38

24   answer.   05:12:41

25   Do you have any basis, sitting here today,   05:12:41

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1	works are in the Books3 database that was partially	05:14:26
2	used to train LLaMA. Is that what you're saying?	05:14:30
3	A. I'm saying I would have no way of knowing	05:14:34
4	that.	05:14:36
5	Q. So you do not have a basis, sitting here	05:14:37
6	today, to claim that text has been generated by any	05:14:39
7	of Meta's LLaMA models that is substantially similar	05:14:43
8	to the text of any of your copyrighted works,	05:14:46
9	correct?	05:14:49
10	MR. ULWICK: Object to form.	05:14:50
11	THE WITNESS: I don't have any proof of	05:14:55
12	that, sitting here today, no.	05:14:56
13	BY MS. HARTNETT:	
14	Q. I know we talked earlier about your works	05:15:03
15	at times quoting from the Bible and then attributing	05:15:06
16	that within your works, correct?	05:15:11
17	A. Yes.	05:15:12
18	Q. Do you -- other than the Bible, have you	05:15:13
19	ever quoted from any other author's works in your own	05:15:15
20	work?	05:15:20
21	A. Yes.	05:15:21
22	Q. Who are some of those authors?	05:15:22
23	A. I would have to open up my books and look	05:15:23
24	at the citations to tell you that.	05:15:26
25	Q. Is that some something you do frequently	05:15:29

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1    STATE OF NORTH CAROLINA

     COUNTY OF MECKLENBURG

2

3              I, Karen K. Kidwell, RMR, CRR, in and for

4    the State of North Carolina, do hereby certify that

5    there came before me on Monday, September 23, 2024, the

6    person hereinbefore named, who was by me duly sworn to

7    testify to the truth and nothing but the truth of her

8    knowledge concerning the matters in controversy in this

9    cause; that the witness was thereupon examined under

10   oath, the examination was stenographically reported and

11   reduced to typewriting under my direction, and the

12   deposition is a true record of the testimony given by

13   the witness.

14             I further certify that I am neither attorney

15   or counsel for, nor related to or employed by, any

16   attorney or counsel employed by the parties hereto or

17   financially interested in the action.

18             This the 24th day of September, 2024.

19

20

21

               Karen K. Kidwell, RMR, CRR

22             Notary Public #19971050142

23

24

25
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 1            UNITED STATES DISTRICT COURT

 2          NORTHERN DISTRICT OF CALIFORNIA

 3             SAN FRANCISCO DIVISION

 4

 5      --------------------------------x

 6      RICHARD KADREY, et al.,

 7      Individual and Representative,

 8                      Plaintiffs,    Case No.

 9               v.                    3:23-cv-03417-VC

10      META PLATFORMS, INC., a

11      Delaware Corporation;

12                      Defendant.

13      --------------------------------x

14

15

16         VIDEOTAPED DEPOSITION of JACQUELINE A.

17         WOODSON, held at 55 Hudson Yards, New

18         York, New York, commencing at 9:39 a.m.,

19         September 30, 2024, before Erica Ruggieri,

20         a Certified Shorthand Reporter and Notary

21         Public of the State of New York.

22

23

24      JOB No. 6931571

25      PAGES 1 - 412
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Page 1

1   WOODSON

2   Q.   So just the search

3   reflected in Exhibit 318?

4   A.   Yes.

5   Q.   Okay.

6   A.   And then Ayelet's call.

7   Ayelet's email.

8   Q.   Do you know what Books3 is?

9   MR. SWEATMAN: Objection to

10   form.

11   A.   Is it a holding space?   I

12   don't.

13   Q.   Have you heard of the Pile?

14   A.   I have, but I can't

15   remember what it is.

16   Q.   Are you aware of any time

17   that a Meta LLM has been used to

18   generate a work that contains text

19   from any of your books?

20   MR. SWEATMAN: Objection to

21   form.

22   A.   I don't know that it would

23   contain the text exactly as it

24   exists.   What my understanding is,

25   is it's trying to teach people to

Page 299

1   WOODSON

2   write in the voice of Jacqueline

3   Woodson.

4   Q.   Okay.   Are you aware of any

5   time that a Meta LLM has been used

6   to generate a work in the voice of

7   Jacqueline Woodson?

8   MR. SWEATMAN: Objection to

9   form.

10   A.   I am not aware of it, no.

11   But I wouldn't know because I'm not

12   searching for it.

13   Q.   Your Instagram post in

14   Exhibit 318 says: "Years and years

15   of writing, revising, reading drafts

16   out loud until my throat was sore

17   and then rewriting some more for my

18   work to be stolen this way, this is

19   a list of my books that were scraped

20   so AI could copy my writing style."

21   Do you see that language?

22   A.   Yes.

23   Q.   And you wrote that?

24   A.   Yes.

25   Q.   When you said "...for my

Page 300

```
 1                    WOODSON

 2         A.   No, not to my knowledge.   I

 3    would remember that I guess.

 4         Q.   Okay.  Now, you are a

 5    plaintiff in this case against Meta,

 6    right?

 7         A.   Yes.

 8         Q.   Are you also plaintiff in a

 9    lawsuit against OpenAI?

10         A.   Yes.

11         Q.   Are you aware of any

12    instances in which any AI tool

13    developed by OpenAI has been used to

14    generate content that replicates the

15    text of any of your at issue books?

16         MR. SWEATMAN:   Objection to

17      form.

18         A.   Not yet.

19         Q.   Are you aware of any

20    instances in which an AI tool

21    developed by OpenAI has been used to

22    generate content that emulates your

23    voice?

24         MR. SWEATMAN:   Objection to

25      form.
```

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 1              REPORTER'S CERTIFICATE

 2

 3          I, ERICA L. RUGGIERI, RPR and a

 4     Notary Public within and for the State

 5     of New York, do hereby certify:

 6          That I reported the proceedings

 7     in the within-entitled matter, and

 8     that the within transcript is a true

 9     record of such proceedings.

10          I further certify that I am not

11     related by blood or marriage, to any

12     of the parties in this matter and

13     that I am in no way interested in the

14     outcome of this matter.

15          IN WITNESS WHEREOF, I have

16     hereunto set my hand this 20th day of

17     October, 2024.

18

19

20

21

22

23       ERICA L. RUGGIERI, RPR, CSR, CLR

24

25
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